

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1, 3, 8, 10, 14-16, 18, 20-22, 24, and 26 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

Rejection of claims 1-4, 8-11, and 15-26 based on 35 U.S.C. 112

Claims 1-4, 8-11, and 15-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 1 and 16 have been amended to address the indefinite issues. For example, claim 1 has been amended to clarify that the bracket supports the steering column slidably in the front-rear direction, the slack holder is fixed on the bracket, the movable part is connected to the steering column and slidable within the slack holder with the slide of the steering column, and the first end of the slack is held by the movable part and the second end of the slack is held by the fixed part. Support for these amendments is found, for example, on page 4, lines 26-27 of the original specification where it is disclosed that the bracket 4 supports the steering column 3 slidably in the front-rear direction; page 4, lines 27-29 where it is disclosed that the slack holder 18 is fixed on the bracket 4; page 4, line 30 to page 5, line 1 and page 5, lines 10-16 where it is disclosed that the movable part 24 is connected to the steering column 3 and slidable within the slack holder 18 with the slide of the steering column 3; and page 5, lines 2-9 and page 6, lines 4-18 where it is disclosed that the first end of the slack is held by the movable part 24 and the second end of the slack is held by the fixed part 26.

Claims 3, 8, 10, 15, 18, 20-22, and 24 depend from and contain all the features of claim 1 or claim 16, and are definite for the same reasons as claim 1 and claim 16.

Claims 2, 4, 9, 11, 17, 19, 23, 25, and 26 have been canceled, which renders the rejection of these claims moot.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of Claims 1-4 Based on Takahashi

Claims 1-4, 23, and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,125,685 (“Takahashi”). For at least the following reasons, this rejection is traversed.

Claim 1 has been amended to include the features “a bracket that supports the steering column slidably in the front/rear direction; a slack holder...fixed to the bracket...wherein the second end of the slack is fixed at a position offset from a central portion of a moving range of the movable part, wherein the slack swings in the front/rear direction with the fixed part as a fulcrum, and wherein the slack extends substantially linearly when the movable part is positioned at the extreme frontward position or the extreme rearward position.” Takahashi does not teach or suggest these features. In particular, Takahashi discloses a structure having a storage housing 2 which includes a fixed holder 11 and a movable holder 10. (See column 3, lines 34-42 of Takahashi.) The fixed holder 11 is directly fixed to the steering column 33 via the leg 22 and the movable holder 10 is fixed to the telescopic function 34 via the leg 17. (See column 4, lines 48-64 and Figs. 4 and 6 of Takahashi.) Takahashi does not teach or suggest a bracket wherein the slack holder (with the movable part contained therein) is fixed to the bracket.

The PTO has asserted that “mounting a steering column such as the steering column of Takahashi et al. via a ‘bracket’ is inherent. Since these members are present and connected together, it is proper to claim that the slack holder is fixed to a bracket (via the steering column) and the bracket supports the steering column.” (Page 5 of the Office Action.) This rejection is improper because a case for inherency has not been properly set forth. For a feature to be inherent, MPEP 2112 states:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)...“In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)

In this case, the PTO has not provided any basis in fact or technical reasoning that a bracket necessarily flows from the teachings of Takahashi. The mere assertion that the components of Takahashi connect together in some fashion does not establish that a bracket is

necessarily used. Indeed, as previously stated, Takahashi appears to teach that the fixed holder 11 is directly fixed to the steering column 33 via the leg 22. Additionally, there is no basis in fact or technical reason at all to support the fact that the bracket supports the steering column, as to opposed merely holding components together. Because no basis in fact or technical reasoning exists to support the assertion that a bracket necessarily flows from the teachings of Takahashi, the PTO has not established a case that the bracket is inherent. Because the bracket is not inherent in Takahashi and Takahashi does not explicitly teach a bracket, Takahashi does not teach satisfy this element of claim 1.

Takahashi also does not teach or suggest a steering column configured to slide together with the steering shaft in a front/rear direction and a movable part connected to the steering column. With the steering mechanism of Takahashi, the movable holder 10 of Takahashi is fixed to a telescopic function 34 via a leg 17. (See column 4, lines 48-64 and Figs. 4 and 6 of Takahashi.) The steering shaft of Takahashi may be slidable within the steering column 33 of Takahashi by the telescopic mechanism 34, but the steering column 33 Takahashi does not slide by itself. In contrast, the steering column of claim 1 is slidably supported by the bracket. Further, the slack holder is fixed to the bracket directly and the movable part is connected to the slidable steering column within the slack holder. Thus, Takahashi does not satisfy this element of claim 1.

Takahashi also does not teach or suggest that the second end of the slack is fixed at a position offset from a central portion of the moving range of the movable part and that the slack extends substantially linearly when the movable part is positioned at the extreme frontward position or the extreme rearward position. The slack of Takahashi does not extend substantially linearly when the movable part is positioned at the extreme frontward position or the extreme rearward position but extends with curvature. (See Fig. 3 of Takahashi.) As a result, the slack of Takahashi needs to be unnecessarily longer in length than that of claim 1. Thus, Takahashi does not satisfy this element of claim 1.

Takahashi does not teach or suggest that that the slack swings in the front/rear direction with the fixed part as a fulcrum. In claim 1, because the fixed part (for example, fixed part 26) functions as the fulcrum, the length of the slack can be shortened and can be set effectively. In contrast, Takahashi merely teaches a partition 24 which does not function as the fulcrum. Thus, Takahashi does not satisfy this element of claim 1.

Claims 2, 4, and 23 have been canceled, which renders the rejection of these claims moot

Claims 3 and 24 depend from claim 1 and are allowable therewith for at least the same reasons set forth above, without regard to the further patentable limitations contained therein.

For at least these reasons, favorable reconsideration is respectfully requested.

Rejection of claims 8-11 based on Takahashi and Horiuchi

Claims 8-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of U.S. Patent 5,229,544 (“Horiuchi”). Claims 8 and 10 depend from and contain all the limitations of claim 1. As previously discussed, Takahashi does not teach or suggest a bracket, a steering column configured to slide together with the steering shaft in a front/rear direction and a movable part connected to the steering column, a second end of the slack that is fixed at a position offset from a central portion of the moving range of the movable part, that the slack extends substantially linearly when the movable part is positioned at the extreme frontward position or the extreme rearward position, and that the slack swings in the front/rear direction with the fixed part as a fulcrum. Horiuchi does not cure these deficiencies. For at least these reasons, claims 8 and 10 are not rendered unpatentable over Takahashi and Horiuchi, without regard to the further patentable features contained therein. Claims 9 and 11 have been canceled, which renders the rejection of these two claims moot. For at least these reasons, favorable reconsideration is respectfully requested.

Rejection of claims 15-22, 25, and 26 based on Takahashi and Maeda

Claims 15-22, 25, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of U.S. Patent 5,556,059 (“Maeda”). For at least the following reasons, this rejection is traversed.

Claim 15 depends from and contains all the limitations of claim 1. As previously discussed, Takahashi does not teach or suggest a bracket, a steering column configured to slide together with the steering shaft in a front/rear direction and a movable part connected to the steering column, a second end of the slack that is fixed at a position offset from a central portion of the moving range of the movable part, that the slack extends substantially linearly when the movable part is positioned at the extreme frontward position or the extreme rearward position, and that the slack swings in the front/rear direction with the fixed part as a fulcrum. Maeda does not cure these deficiencies. For at least these reasons, claim 15 is not

rendered unpatentable over Takahashi and Maeda, without regard to the further patentable features contained therein.

Claim 16 (as amended) has been amended to include the features “a steering column...that is configured to slide together with the steering shaft in a front/rear direction; a bracket that supports the steering column slidably in the front/rear direction; a slack holder...fixed to the bracket...wherein the second end of the slack is fixed at a position offset from a central portion of a moving range of the movable part, wherein the slack swings in the front/rear direction with the fixed part as a fulcrum, and wherein the slack extends substantially linearly when the movable part is positioned at the extreme frontward position or the extreme rearward position.” As previously discussed, Takahashi does not teach or suggest a bracket, a steering column configured to slide together with the steering shaft in a front/rear direction and a movable part connected to the steering column, a second end of the slack that is fixed at a position offset from a central portion of the moving range of the movable part, that the slack extends substantially linearly when the movable part is positioned at the extreme frontward position or the extreme rearward position, and the slack swings in the front/rear direction with the fixed part as a fulcrum. Maeda does not cure these deficiencies. For at least these reasons, claim 16 is not rendered unpatentable over Takahashi and Maeda.

Claims 18, 20-22, and 26 and depend from and contain all the features of claim 16 and are allowable therewith for at least the same reasons set forth above, without regard to the further patentable limitations contained therein.

Claims 17, 19, and 25 have been canceled, which renders the rejection of these claims moot.

For at least these reasons, favorable reconsideration is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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